



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/135,504 06/22/98 IGBINADOLOR

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240-27 CANEY ROAD  
ROSEDALE NY 11422

LM02/0201

EXAMINER

GRANT, C

ART UNIT

PAPER NUMBER

2711

91

DATE MAILED:

02/01/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



**UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	11

DATE MAILED:

**Please find below a communication from the EXAMINER in charge of this application.**

Commissioner of Patents

1. The communication filed on 10/19/99 is non-responsive to the prior Office action because applicant fails to (i) state that the substitute specification contains no new matter and (ii) provide a markup copy. See attached letter. Since the response appears to be *bona fide*, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one month from the date of this letter or within the time remaining in the response period of the last Office action, whichever is the longer. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. § 1.136(a) OR (b) BUT THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION MAY BE EXTENDED UP TO A MAXIMUM OF SIX MONTHS. Applicant(s) is reminded of the requirements of 37 CFR 1.119 and 1.111(c), which require that any response that adds new claims must point out specific distinctions believed to render the claims patentable over the art of record.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00 pm.

**Chris Grant**  
**Primary Examiner**  
**January 28, 2000**

**Note attached letter.**

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### DETAILED ACTION

1. Applicant's application cannot be allowed (i.e. cannot be patented) at this time because of the following:

(i) a statement that the substitute specification contains **no new matter** was not mentioned in applicant's response; and

(ii) **a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed** was not provided with the amendment filed 10/19/99.

Note that page 6, paragraph 3 of the previous Office Action mailed 9/15/99 required applicant to submit a markup copy. A markup copy is an edited version of the original specification with all added information underlined and deleted information bracketed.

All statutes (35 USC) and rules 37 CFR are provided on the PTO web site at [www.uspto.gov](http://www.uspto.gov). Select the patents button, then the Manual of Patent Examining Procedure option.

A copy of the relevant section of the previous Office Action is provided below.

### *Specification*

2. A substitute specification including claims is required pursuant to 37 CFR 1.125(a) because the arrangement and content are not in compliance with MPEP 608.01 (a).

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A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains **no new matter**; and 2) **a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.**

### *Conclusion*

3. It is called to applicant's attention that if a communication is deposited with the U. S. Postal Service and mailed to the Office by First Class Mail before the reply time has expired, applicant may submit the reply with a "Certificate of Mailing" which merely asserts that the reply is being mailed on a given date. So mailed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:

Assistant Commissioner for Patents

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Washington, D.C. 20231

on \_\_\_\_\_ (date).

Typed or printed name of person signing this certificate

\_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**4. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5359 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

5. An examination of this application reveals that applicant is unfamiliar with patent prosecuting procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skillful preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

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Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 3900.



**Chris Grant**  
**Primary Examiner**  
**January 28, 2000**